

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Jason L. B.,

Case No. 21-CV-2119 (SRN/ECW)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Kilolo Kijakazi,

Defendant.

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In an order dated November 2, 2021, this Court ordered Plaintiff Jason L. B. to (1) submit a signed and completed copy of the first page of his application to proceed *in forma pauperis* (IFP) in this action, and (2) file a document explaining why this Court has jurisdiction over this action under 42 U.S.C. § 405(g). (*See* Dkt. 3 at 3.) The Court gave Plaintiff 28 days—that is, until November 30, 2021—to perform these tasks, failing which the Court could dismiss this action without prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.

That deadline has now passed. Plaintiff has not submitted a signed, completed copy of his IFP application's first page. And while the Court did receive a one-page document from Plaintiff on November 12, 2021, that filing does nothing to address the Court's concerns about § 405(g) jurisdiction. (*Compare* Dkt. 6, *with* Dkt. 5 at 2–3.) Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267

F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”). Given this resolution, the Court further recommends denial of Plaintiff’s IFP application as moot.

### **RECOMMENDATION**

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS RECOMMENDED THAT:**

1. This action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
2. Plaintiff Jason L. B.’s application to proceed *in forma pauperis* in this action (Dkt. 2) be **DENIED** as moot.

Dated: December 9, 2021

s/Elizabeth Cowan Wright  
ELIZABETH COWAN WRIGHT  
United States Magistrate Judge